

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

SHANDLE MARIE RILEY,)	
)	
Plaintiff,)	
)	No. 1:19-cv-00304
vs.)	
)	District Judge Travis R. McDonough
HAMILTON COUNTY GOVERNMENT,)	
DEPUTY DANIEL WILKEY, in his capacity)	Magistrate Judge Christopher H. Steger
as a deputy sheriff for Hamilton County)	
Government and in his individual capacity,)	
and DEPUTY JACOB GOFORTH, in his)	
capacity as a deputy sheriff for Hamilton)	
County Government and in his individual)	
Capacity,)	
)	
Defendants.)	

FOURTH REPORT OF HAMILTON COUNTY REGARDING VIDEO DATA

In accordance with the directive of this Court during the hearing of March 31, 2020, and its Order of April 3, 2020 (Doc. 47), Hamilton County files its Fourth Report Regarding Video Data. The Court's focus, as identified in the Conclusion of the Order, is "whether ESI that should have been preserved in the anticipation or conduct of litigation was lost because Hamilton County failed to take reasonable steps to preserve it." (Doc. 47, PageID #: 426). The following video, having previously been identified as having been preserved, has been reviewed to verify the number of videos contained therein and the collective number of hours of said video footage. In addition, the undersigned has requested an additional search and the Hamilton County Sheriff's Office located additional video footage from Daniel Wilkey's dash camera.

Video Provided to Internal Affairs: Lt. David Sowder of the Internal Affairs Division of the Sheriff's Office requested copies of all video from Daniel Wilkey's dash camera video, which were provided to him in December of 2019. This request for videos duplicated the same period of time as the videos requested by the District Attorney's Office. The total number of videos provided to Lt. Sowder were 994. Lt. Sowder was provided videos for 2018 and 2019.

The 2018 videos began on September 11, 2018 and ran through December 28, 2018. There are 411 videos consisting of just over 71 hours of video footage.

The 2019 videos began on January 1, 2019 and ran through July 11, 2019. There are 578 videos consisting of just over 143 hours of video footage (which duplicates the video footage by the District Attorney's Office).

Video Provided to the Hamilton County Attorney's Office: The undersigned requested that the Sheriff's Office search for any other dash camera footage from Daniel Wilkey's patrol vehicle. The Sheriff's Office provided 301 videos for the period May of 2018 through September of 2018, comprising over 83 hours of video footage.

Summary of Total Numbers of Videos and Total Amount of Video Footage:

DA	1-1-2019 thru 7-11-2019	575 videos	144+ hours
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IA	1-1-2019 thru 7-11-2019	578 videos	143+ hours
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(calculation not in total as it effectively duplicates the DA footage total)

	9-11-2018 thru 12-28-2018	411 videos	71+ hours
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HCAO	5-2-2018 thru 9-11-2018	298 videos	83+ hours
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Total Videos:	1,284	298+ hours
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Discrepancies in Compared DA and IA Videos:

A comparison of the videos provided to the DA in September of 2019 and the videos provided to HCSO Internal Affairs in December of 2019 reveals some potential discrepancies to be addressed.

For the period of 1-1-2019 through 7-11-2019, certain videos appear to have been provided to the DA's Office, but not to IA. The videos in question are for the following dates, and represent the following amount of footage:

1-1-2019	3 videos	total footage 00:01:47
1-15-2019	1 video	total footage 00:09:39
3-18-2019	1 video	total footage 02:17:16
4-12-2019	1 video	total footage 02:02:21
6-14-2019	1 video	total footage 00:05:27

For the same period, certain videos appear to have been provided to IA, but not to the DA's Office. The videos in question are for the following dates, and represent the following amount of footage:

1-7-2019	7 videos	total footage 00:19:68
1-16-2019	1 video	total footage 00:28:12
6-27-2019	2 videos	total footage 00:58:16
6-28-2019	1 video	total footage 00:00:46
7-5-2019	1 video	total footage 00:01:31
7-10-2019	1 video	total footage 01:13:06

The undersigned has reviewed the County Attorney's copy of these hard drives to see if a copying error occurred in this office; however, the County Attorney's copy reflects the same discrepancies. A request has been sent to the Sheriff's Office to determine if a copying error occurred there. The undersigned will report further on this issue next week, and, should it be determined that video was not provided to the DA's Office, those videos will be submitted to that Office for their review.

The videos now identified collectively encompass the vast majority of Daniel Wilkey's tenure with the Hamilton County Sheriff's Office. Wilkey was hired and began his first shift on February 12, 2018. He was assigned to field training, riding with another officer. There is no video associated with Wilkey's badge number for the period of time he was in field training.

After completing his field training, he was assigned a patrol vehicle on or about April 28, 2018. According to shift logs, Wilkey worked April 28 through 30, but did not work on May 1, 2018, and returned to work on May 2, 2018. The first video was recorded on May 2, 2018. Wilkey was suspended with pay on or about July 11, 2019. The final video from Wilkey's patrol vehicle was uploaded on July 11, 2019.

The video captured represents, then, to the best of the knowledge, information, and belief of any individuals who pulled the data, substantially all of the video recorded by Wilkey's dash camera video.

Review of Video Footage:

As of the date of this report, approximately 10 ½ hours of video footage has been reviewed.

Anticipated by the Next Report:

By the Report due May 6, 2020, the nature of the discrepancies identified above should be resolved, and, if necessary, video identified as having not previously been provided to the DA's Office will be provided. The undersigned will also provide an update as to the footage reviewed to that point, and the Affidavits required by the Court relative to the litigation hold to the Sheriff's Office will be filed.

HAMILTON COUNTY ATTORNEY'S OFFICE

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2020, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Sharon M. Milling